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Bernhard Arnold

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BAKER BOTTS L.L.P.

PATENT DEPARTMENT

98 SAN JACINTO BLVD., SUITE 1500

AUSTIN, TX 78701-4039

EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat No. 3,079,181 to Wissel.
3. Wissel '181 teaches Applicant's claim limitations including : "component into which an internal screw thread is introduced" –, a "second component which has a corresponding external screw thread" – other of parts 1,2, "design deviating from that of the first section" – as shown wherein a space between the component threadings is illustrated, where it's noted claimed invention functionally recites but does not include "thread sealant".

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 4-6, 10-12, and 15-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s)

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contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The elected embodiment (as shown in Fig 6) does not include a "second section,..., including multiple courses of,..., threads,..., wherein, in the second section, thread flanks,..., are not in contact with corresponding thread flanks,..., such that a continuous cavity for receiving thread sealant is formed" as now claimed.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 4-6, 10-12, and 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Assuming the limitation is intended to be construed to include a continuous three-dimensional space wherein flanks of one side of each thread in the section are in contact, the claim is rejected for its meaning not being reasonably clear.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 4-6, 10, 12, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat No. 3,079,181 to Wissel in view of U.S. Pat. Application Publication No. 2002/0076273 to Carstensen.

10. Wissel '181 teaches Applicant's claim limitations including : "component into which an internal screw thread is introduced" –, a "second component which has a corresponding external screw thread" – other of parts 1,2, "design deviating from that of the first section" – as shown wherein a space between the component threadings is illustrated. Due to three dimensional nature of threads, the contacting flanks extend along a first length and gaps between corresponding flanks also extends along a length. Fig 4 and 5 illustrate multiple courses of threading having different pitch than other multiple courses whereby some flanks are in contact and other thread flanks are not in contact as is now claimed.

11. Although reference doesn't illustrate thread sealant, reference discloses several environments of use for the invention wherein one of ordinary skill in the art would consider the use of sealant in combination with the disclosed arrangement to be obvious. For example, Wissel '181 discloses use as sucker rod joint and Carstensen '273 discloses that it's well known in the art to use sealant in sucker rod joints whereby it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the joint with sealant to increase joint integrity for example. The gaps between corresponding thread flanks as shown in Fig's 4 and 5 of Wissel '181 wrap around the three dimensional threading so as to form a continuous space for sealant.

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12. As regards claim 10, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide sealant only in the spaces of the second section.

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Pat. No. 3,079,181 to Wissel in view of U.S. Pat. Application Publication No.

2002/0076273 to Carstensen and further in view of U.S. Pat. No. 5,249,556 to Emmitt.

14. Although Wissel '181 does not disclose use of seal on a fuel pump, Emmett '556 teaches that it is well known to provide seal threaded connection in a fuel pump. It would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the thread seal of Wissel '181 for use in sealing a threaded connection of a fuel pump in order to avoid leakage, well known motivation to those of ordinary skill in the art.

### ***Response to Arguments***

15. Applicant's arguments have been fully considered but they are not persuasive. It is not clear what the scope and meaning of the claim limitations should include but it is examiner's position that prior art (Wissel '181) teaches a structural arrangement similar to the elected embodiment whereby it is not clear that the reference doesn't teach the invention as discussed above. Persuasive argument to the contrary should point out particular structure required by the claims that is not taught by the prior art and reference specific portions of the original disclosure where the elected embodiment (as shown in Fig 6 for example) is disclosed to have that structure.

***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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